

REMARKS

This paper is being presented in response to the Office Action dated March 7, 2006, in which all pending claims 1-62 were rejected. Of these, claims 1, 24, 50 and 59 are independent. Claims 1, 14, 15, 24, 39, 40, 50 and 59 are amended, leaving claims 1-62 pending and at issue in the application. The applicants respectfully request reconsideration and withdrawal of the claim rejections for the reasons set forth below.

Submitted herewith this paper is a request for continued examination under 37 C.F.R. §1.114 and the requisite fee under 37 C.F.R. §1.17(e). The applicants accordingly submit that the foregoing claim amendments should be entered for consideration by the examiner.

By way of foregoing amendments, independent claim 1 now specifies identifying first and second I/O networks with first and second network identification tags, respectively, by transmitting the first and second network identification tags on the first and second I/O networks, respectively. Similarly, independent claim 24 now specifies first and second units to identify the first and second I/O networks, respectively, by communicating the first and second network identification tags on the first and second I/O networks, respectively. Independent claim 50, as amended, specifies a diagnostic tool, where a device communicates, on a selected I/O network, a network identification tag identifying the selected I/O network. Lastly, independent claim 59 was amended to specify sending a transmission over a selected I/O network of a plurality of I/O networks to identify the selected I/O network via a respective unique identification tag of a plurality of unique identification tags for the selected I/O network.

Dependent claims 14 and 15 have been amended to address a formal matter, and dependent claims 39 and 40 have been amended for alignment with the recitation of independent claim 24, as amended.

No new matter has been added via the foregoing amendments. See, for example, page 7, lines 7-26; and page 10, line 23 – page 11, line 8, of the application as originally filed.

Claim Rejections Under 35 U.S.C. 102(e)

Claims 1, 5-8, 10-15, 24-26, 29-32, 35-42 and 59-62 stand rejected under 35 U.S.C. 102(e) as anticipated by Tominaga, et. al., U.S. Patent No. 6,880,000 (“Tominaga”). Of these, claims 1, 24 and 59 are independent. The applicants respectfully traverse these claim rejections, and the assertions and determinations therein, for at least the following reasons.

Amended independent claim 1 recites, in part, “identifying the first I/O network with the first network identification tag by transmitting from the first device the first network identification tag on the first I/O network” and “identifying the second I/O network with the second network identification tag by transmitting from the second device the second network identification tag on the second I/O network.” Tominaga does not teach or suggest these elements of amended claim 1.

The applicants respectfully submit that Tominaga, in contrast, refers to addresses as being specific to a particular *device*, such as MAC addresses for particular devices (modem, Ethernet card, etc.) and IP addresses. At no time does Tominaga teach or suggest *identifying the network*, as opposed to the device, by a network identification tag and certainly does not teach or suggest transmitting that *network identifier* over that particular network (i.e., the network identified by the identification tag). On the contrary, Tominaga at best transmits the identifier of a particular host. Indeed, if the IP and MAC addresses of Tominaga were used to identify the network, there would be no way to distinguish the network address from the device address.

Moreover, Tominaga describes a system where *blocks* of addresses are allocated and de-allocated between servers. See Tominaga, col. 11, lines 24-33; col. 3, line 26 (discussing a *range* of IP network addresses); and, col. 4, lines 4-25 (discussing *blocks* of IP addresses allocated among servers RS and S1-S4). However, a *block* of addresses is not a *unique* address for a device as required by the IP protocol, but a collection of multiple unique addresses. See Tominaga, col. 1, lines 54-56 (quoted above). Thus, the *block* of addresses allocated by Tominaga is not a first or second network identification tag, as required by claim 1.

Still further, Tominaga addresses when a *particular client* requests an IP address from a DHCP server. See Tominaga, col. 3, lines 26-38. Thus, Tominaga is

directed to allocating unique host addresses, as opposed to *network* identification tags *identifying the I/O network*, from a group of unique host addresses, to single hosts.

Applicants respectfully note that while Tominaga does involve “networks” generally, the mere use of the word “network” within Tominaga does not convert a *unique host or device address* into a *network* identification tag *identifying the I/O network* itself. Similarly, the presence of a “network I/O device” on a network does not mean that “network I/O device” identifies the network itself. On the contrary, such a “network I/O device” is simply another individual device among other individual devices that happens to allocate addresses to those other individual devices.

For the foregoing reasons, Tominaga does not teach or suggest every element of amended claim 1. It follows that claim 1 recites patent subject matter over Tominaga. Accordingly, the applicants respectfully request allowance of claim 1.

Amended independent claims 24 and 59 are patentable over the cited reference for reasons analogous to those presented above in association with claim 1. Therefore, the applicants respectfully request allowance of independent claims 24 and 59.

Claims 5-8 and 10-15 depend from independent claim 1, claims 25-26, 29-32 and 35-42 depend from independent claim 24, and claims 60-62 depend from independent claim 59. Independent claims 1, 24 and 59 have been shown above to be allowable. Thus, dependent claims 5-8, 10-15, 25-26, 29-32, 35-42 and 60-62 are patentable as depending from an allowable base claim and as including further distinctions over the cited reference. Therefore, the applicants respectfully request allowance of dependent claims 5-8, 10-15, 25-26, 29-32, 35-42 and 60-62.

Claim Rejections Under 35 U.S.C. 103(a)

Claims 16-23 and 43-58 stand rejected under 35 U.S.C. 103(a) over Tominaga, in view of Harvey, et. al., U.S. Patent No. 6,044,401 (“Harvey”). Of these, claim 50 is independent. The applicants respectfully traverse these rejections, and the assertions and determinations therein, for at least the following reasons.

Amended independent claim 50 recites, in part, a diagnostic tool for identifying a selected I/O network in a process control system having a plurality of I/O networks, wherein a device communicatively coupled to the selected I/O network

is adapted to store a network identification tag identifying the selected I/O network and communicate the network identification tag on the selected I/O network.

The Office Action relies solely on Tominaga with respect to these elements of claim 50 and does not rely upon Harvey with respect to these elements. For reasons analogous to those discussed above in association with claim 1, Tominaga does not teach or suggest a network identification tag associated with an *I/O network*, as opposed to an IP address associated with a specific *device*. Harvey also does not teach or suggest these elements of claim 50, nor is Harvey relied on by the Office Action with respect to these elements. Therefore, for at least these reasons, claim 50 is allowable over Tominaga and Harvey. Thus, the applicants respectfully request allowance of claim 50.

Claims 16-23 depend from independent claim 1, claims 43-49 depend from independent claim 24 and dependent claims 51-58 depend from independent claim 50. Independent claims 1, 24 and 50 have been shown above to be allowable. Thus, dependent claims 16-23, 43-49 and 51-58 are patentable as depending from an allowable base claim and as including further distinctions over the cited reference. Therefore, Applicants respectfully request allowance of dependent claims 16-23, 43-49 and 51-58.

Claims 2-4, 9, 27-28 and 33-34 stand rejected under 35 U.S.C. 103(a) over Tominaga, in view of Alkhatib, et. al., U.S. Patent No. 6,532,217 (“Alkhatib”). Of these, none are independent. The applicants respectfully traverse this rejection, and the assertions and determinations therein, for at least the following reasons.

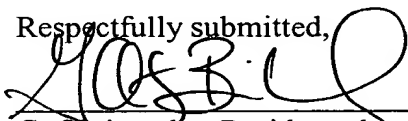
Dependent claims 2-4 and 9 depend from independent claim 1 and dependent claims 27-28 and 33-34 depend from independent claim 24. Independent claims 1 and 24 have been shown above to be allowable. Thus, dependent claims 2-4, 9, 27-28 and 33-34 are patentable as depending from an allowable base claim and as including further distinctions over the cited reference. Therefore, the applicants respectfully request allowance of dependent claims 2-4, 9, 27-28 and 33-34.

CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and allowance of claims 1-62.

Although Applicants believe that no fees are due (other than those noted above), the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP. In addition, if a petition for an extension of time under 37 CFR 1.136(a) is necessary to maintain the pendency of this case and is not otherwise requested in this case, Applicants request that the Commissioner consider this paper to be a request for an appropriate extension of time and hereby authorize the Commissioner to charge the fee as set forth in 37 CFR 1.17(a) corresponding to the needed extension of time to Deposit Account No. No. 13-2855 of Marshall, Gerstein & Borun LLP. A copy of this paper is enclosed herewith.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicants respectfully request that the Examiner call their attorney at the number listed below.

Respectfully submitted,
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